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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,494	05/23/2006	Bernardus Hendrikus Maria Kraemer	NL 031423	2319
24737 7590 10/03/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER HUR, ECE	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,494

Applicant(s)

KRAEMER ET AL.

Examiner

ECE HUR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is responsive to application filed on May 23, 2006, in which claims 1-9 presented for examination. This application is a new PCT National Stage application of PCT/IB04/52509 that was filed on November 23, 2004. Applicant is claiming foreign priority for the application (EPO) 03104410.0 filed on November 27, 2003.

Status of Claims

Claims 1-9 are pending in the case. Claims 1 and 4 are independent Claims.
Claims 7 and 8 are rejected under 35 U.S.C. 101.
Claims 1-9 are rejected under 35 U.S.C. 103(a).

Priority Acknowledgement

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of certified copy of (EPO) 03104410.0 filed on November 27, 2003 submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Abstract Objection

The abstract of the disclosure is objected to because of the legal phraseology "comprising", appropriate correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding Claim 7, Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and claiming

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"Computer Program Product" per se. Computer Program Product, software is functional descriptive material that can be considered statutory only if it is both functional and clearly embodied on a computer readable medium and designed to support specific data manipulation function. When functional descriptive material is recorded on a computer-readable medium it will become structurally and functionally interrelated the medium and will be statutory in most cases since the use of technology permits the function of the descriptive material to be realized. See *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031, 1035 (Fed. Cir 1994) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQd at 1759. A Software structure is functional if the specific arrangement of data enables a computer to accomplish useful result arising from the arrangement of the data in the software. However, only computer readable medium executed instruction by a processor could be statutory, it is not clearly defined as being embodied in a computer readable medium as executed instruction and is therefore not statutory. See *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759.

Regarding Claim 8, Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and claiming "Computer readable medium". A Software structure is functional if the specific arrangement of data enables a computer to accomplish useful result arising from the arrangement of the data in the software. However, only computer readable medium executed instruction by a processor could be statutory, it is not clearly defined as being embodied in a computer readable medium as executed

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instruction and is therefore not statutory. See *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laura Monsen, *See It done Do it yourself easy Microsoft Excel 97, Second Edition*, in view of Simonson, US Patent 6,219,028.

Regarding Claim 1, Laura Monsen, discloses the claimed aspect of a visualizing pointer during interaction of the pointer with an image, the pointer being controllable by a user in Figures 1-8, wherein various interaction modes are illustrated. (Monsen, Page 156-157).

Laura Monsen discloses the claimed aspect of moving the pointer to a first position within the image by the user in FIG. 1, wherein the cursor is moved to a position within the image and cursor has a combination of white arrow and four headed black arrow (cross). (Monsen, Page 156).

Laura Monsen discloses the claimed aspect of displaying the pointer corresponding to an interaction mode related to the first position within the image and selecting the interaction mode in FIG. 1, wherein the interaction mode is move the image by holding down the left mouse button and drag the image and the dotted border moves with the pointer indicating the image will be replaced by releasing the mouse button to place the image in the new location.

Laura Monsen does not specifically teach the claimed aspect of moving the pointer to a second position within the image by the user while performing the selected interaction mode upon the image and hiding the pointer during moving the pointer to the second position within the image. However, Simonson discloses the claimed aspect of hiding the cursor in US 6,219,028, wherein a technique for displaying content on a display device of a computer system and removing a cursor so it does not obscure the content as it is being displayed. (Column 1, lines 35-37).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Laura Monsen's cursor interaction mode display with Simonson's cursor hiding aspect, because the user does not need to move the cursor manually to reveal graphics obscured by the cursor and the user does not have to move the cursor repeatedly to reveal obscured content, the efficiency and comfort of the user's interaction with the computer system is improved. (Simonson, Column 1, Lines 45-50).

Regarding Claim 2, most of the limitations have been met in the rejection of claim 1. See details for Claim 1 rejection. Simonson discloses the claimed aspect of the image comprises a region of interest and the step of hiding the pointer comprises hiding the pointer within the region of interest during moving the pointer to the second position, wherein the user does not need to move the cursor manually to reveal graphics obscured by the cursor. Because the user does not have to move the cursor repeatedly to reveal obscured content, the efficiency and comfort of the user's interaction with the computer system is improved. (Simonson, Column 1, lines 47-50).

Regarding Claim 3, most of the limitations have been met in the rejection of claim 1. See details for Claim 1 rejection. Simonson discloses the claimed aspect of displaying the pointer during moving the pointer to the second position upon request by the user, wherein the computer system can remove the cursor by changing the appearance of the cursor, such as by making the cursor invisible, by changing the cursor to an outline image, or by clipping the cursor to reveal the otherwise-obscured content. The computer can return the cursor to its original appearance in response to user activity, such as moving the mouse, or computer activity, such as closing a window. In another implementation, the computer system returns the cursor to its original appearance or location after a default time period. Alternatively, the user can select conditions for returning the cursor. (Simonson, Column 2, lines 45-55).

Regarding Claims 7 and 8, most of the limitations have been met in the rejection of Claim 1. See details for Claim 1 rejection. Simonson discloses the claimed aspect of a computer program product and computer readable medium, wherein apparatus of the invention can be implemented in a computer program product tangibly embodied in a machine-readable storage device for execution by a programmable processor and method steps of the invention can be performed by a programmable processor executing a program of instructions to perform functions of the invention by operating on input data and generating output. (Simonson, Column 3, lines 65-71).

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonson, US Patent 6,219,028 in view of Laura Monsen, See It done Do it yourself easy Microsoft Excel 97, Second Edition,

Regarding Claim 4, Simonson discloses the claimed aspect of for visualizing a pointer during interaction of the pointer with an image, the pointer being controllable by a user in FIG. 1, wherein a computer system is illustrated.

Simonson discloses the claimed aspect of a mover for moving the pointer to a first position within the image by the user in FIG. 1, wherein 120 and 125 are illustrated.

Simonson discloses the claimed aspect of a hider for hiding the pointer during moving the pointer to the second position within the image in FIG. 1, wherein 130 make cursor invisible is illustrated.

Simonson does not specifically teach the claimed aspect of a displayer for displaying the pointer corresponding to an interaction mode related to the first position within the image and a selector for selecting the interaction mode and a mover for moving the pointer to a second position within the image by the user while performing the selected interaction mode upon the image, However Laura Monsen discloses the claimed aspect.

Specifically, Laura Monsen discloses the claimed aspect of displaying the pointer corresponding to an interaction mode related to the first position within the image and selecting the interaction mode in FIG. 1, wherein the interaction mode is move the image by holding down the left mouse button and drag the image and the dotted border moves with the pointer indicating the image will be replaced by releasing the mouse button to place the image in the new location.

Furthermore, Laura Monsen discloses the claimed aspect of moving the pointer to a second position within the image by the user while performing the selected interaction mode upon the image in FIG. 1, wherein the interaction mode is move the image by holding down the left mouse button and drag the image and the dotted border moves with the pointer indicating the image will be replaced by releasing the mouse button to place the image in the new location.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Simonson's cursor hiding computer system with Laura

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Monsen's displaying and moving aspect, because it allow the user not to move the cursor repeatedly to reveal obscured content, the efficiency and comfort of the user's interaction with the computer system is improved. (Simonson, Column 1, lines 47-50).

Regarding Claim 5, most of the limitations have been met in the rejection of claim 4. See details for Claim 4 rejection. Simonson discloses the claimed aspect of System, wherein the image comprises a region of interest and the hider is arranged to hide the pointer within the region of interest during moving the pointer to the second position, wherein the user does not need to move the cursor manually to reveal graphics obscured by the cursor. Because the user does not have to move the cursor repeatedly to reveal obscured content, the efficiency and comfort of the user's interaction with the computer system is improved. (Simonson, Column 1, lines 47-50).

Regarding Claim 6, most of the limitations have been met in the rejection of claim 4. See details for Claim 4 rejection. Simonson discloses the claimed aspect of a system, wherein the displayer is further arranged to display the pointer during moving the pointer to the second position, wherein the computer system can remove the cursor by changing the appearance of the cursor, such as by making the cursor invisible, by changing the cursor to an outline image, or by clipping the cursor to reveal the otherwise-obscured content. The computer can return the cursor to its original appearance in response to user activity, such as

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moving the mouse, or computer activity, such as closing a window. In another implementation, the computer system returns the cursor to its original appearance or location after a default time period. Alternatively, the user can select conditions for returning the cursor. (Simonson, Column 2, lines 45-55).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laura Monsen, See It done Do it yourself easy Microsoft Excel 97, Second Edition, in view of Simonson, US Patent 6,219,028 and in further view of Wang, US 20030007598.

Regarding Claim 9, most of the limitations have been met in the rejection of claim 1. See details for Claim 1 rejection. Laura Monsen and Simonson do not teach the claimed aspect of an imaging diagnostic apparatus, However, Wang in US 20030007598 discloses the claimed aspect of an imaging diagnostic apparatus, wherein a thick-slice ultrasound images are displayed near an x-ray mammogram such that a screening radiologist can quickly view the thick-slice images for assistance in interpreting the x-ray mammogram. (Wang, See Abstract). Furthermore, Wang discloses in FIG. 25 A-F a pointer show/hide button 2526 to allow the radiologist to view the image without obscuring the image.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Laura Monsen's image manipulation concept with Simonson's cursor hide concept to use in Wang's diagnostic apparatus, because

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it would allow the radiologist to make accurate diagnosis without missing any essential area to view.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) Coleman, et al., US 5,859,638, 01/12/1999, "Method and apparatus for displaying and scrolling data in a window-based graphic user interface".
- 2) Hatakeda, et al., US 6,057,837, 05/02/2000, "On-screen identification and manipulation of sources that an object depends upon".
- 3) DeStefano, US 6,075,531, 06/13/2000, "Computer system and method of manipulating multiple graphical user interface components on a computer display with a proximity pointer".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is 571 270-1972.

The examiner can normally be reached on MONDAY-THURSDAY 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FRANTZ COBY can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ece Hur
E.H./e.h.

September 25, 2007


FRANTZ COBY
SUPERVISORY PATENT EXAMINER